

Essex County
Bar Association



COMMUNITY DISPUTE
RESOLUTION PROJECT

I. WHAT IS THE COMMUNITY DISPUTE RESOLUTION PROJECT?

The Project, an alternative to municipal court hearings, is not designed to replace courts. Rather, this Project will help reduce the case loads of the courts. This is accomplished by referring certain disputes to a mediator. A mediator is not a judge. He does not decide who is right nor does he take sides or place blame. The mediator merely attempts to get the parties to agree upon a solution.

II. WHO IS ELIGIBLE TO PARTICIPATE IN THE COMMUNITY DISPUTE RESOLUTION PROJECT?

Participation is available to any person who has a complaint against another person that could be heard by a municipal court judge. The parties might be relatives, neighbors, co-employees or be involved in another relationship.

III. WHAT IS THE PURPOSE OF A MEDIATION CONFERENCE?

The purpose of the Community Dispute Resolution conference is not to determine right or wrong. The fundamental purpose is to assist the parties involved in a dispute in reaching a settlement or agreement satisfactory to both sides.

The Community Dispute Resolution conference therefore gives the participants the opportunity to settle differences before the matter is referred to municipal court. This opportunity creates the possibility for the participants to reach a more lasting agreement.

The Community Dispute Resolution Project also works with community social service agencies and thus provides a referral service for those problems that may require more attention than a mediation conference can afford.

IV. HOW DOES A MEDIATION CONFERENCE WORK?

If a complaint is referred to the Community Dispute Resolution Project, an appointment is made for the parties to meet with the mediator.

The mediator meets with the disputing parties to try to reach an agreement acceptable to each of them. If the parties are unable to agree, the matter will be referred back to the municipal court.

If you receive a notice of a mediation conference and cannot attend, you must notify the municipal court clerk of that fact at least three (3) days before the scheduled date. The conference will then be rescheduled. If a party fails to be present at an adjourned conference, the matter will be referred back to the court.

V. RULES OF THE MEDIATION CONFERENCE

A mediation conference will be approximately one hour long, but an additional session may be scheduled at the discretion of the mediator and with the consent of each party.

The parties meet in a private room with the mediator. A lawyer is not necessary. A lawyer is permitted to attend and observe the conference but may not participate in the mediation. Witnesses and other evidence are allowed. You should bring any witnesses or evidence with you to the mediation conference.

The mediator will listen to both parties in an effort to learn how both would like to resolve the problem. The disputing parties each have an opportunity to tell their side of the story. The mediator will ask questions to bring out all the facts so he or she can get a clear understanding of the situation and the reason for it.

It is often helpful for the mediator to listen to each party separately or privately. These closed discussions, or caucuses, are also confidential and no part of the conversation between the party and the mediator will be disclosed to the other participants without the party's consent.

VI. TYPES OF DISPUTES THE PROJECT WILL HANDLE

- (1) Domestic disputes involving family members or other relatives.
- (2) Neighborhood problems — trespasses, noise, nuisances, animal complaints, harassment, annoying phone calls, etc.
- (3) Merchant-customer disputes.
- (4) Disputes over money, personal property, small thefts, property damage.
- (5) Landlord-tenant disputes.

VII. HOW TO REQUEST MEDIATION

Go to your municipal clerk and fill out the application form. An appointment for a mediation conference will be scheduled at that time and the other party will be advised of the date by the clerk.

If you have any questions concerning this program, please contact your municipal clerk or the Essex County Bar Association (622-6207).